

PSJ19 Walmart Opp Exh 1 Dr. Craig J. McCann Dep. (05-10-2019) (dep not cited in appendices)

Highly Confidential - Subject to Further Confidentiality Review

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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3 IN RE: NATIONAL : HON. DAN A.
4 PRESCRIPTION OPIATE : POLSTER
5 LITIGATION : MDL NO. 2804

6 This document relates to: : Case No. 17-MD-2804

7 The County of Summit, Ohio :
8 Ohio et al. v. Purdue Pharma :
9 L.P., et al., Case No. :
10 17-OP-45004 :

11 The County of Cuyahoga v. :
12 Purdue Pharma Purdue Pharma :
13 L.P., et al., Case No. :
14 18-OP-45090 :

- - -

15 Friday, May 10, 2019
16 Volume II

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17 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
18 CONFIDENTIALITY REVIEW

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19 Videotaped deposition of
20 CRAIG J. MCCANN, Ph.D., CFA, taken pursuant
21 to notice, was held at the law offices of
22 Morgan Lewis & Bockius, 1111 Pennsylvania
23 Avenue, NW Washington, DC 20004, beginning
24 at 9:08 a.m., on the above date, before
25 Amanda Dee Maslynsky-Miller, a Certified
26 Realtime Reporter.

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2 VIDEO TECHNICIAN: Back on
3 the record at 11:07 a.m.

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5 EXAMINATION

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7 BY MS. FUMERTON:

8 Q. Good morning, Dr. McCann.

9 My name is Tara Fumerton, and I represent
10 Walmart in this action.

11 A. Good morning.

12 Q. Good morning. Right before
13 we went on the record I marked as
14 Exhibits-14 through 17 a series of
15 excerpts from your Appendix 9. I'm going
16 to ask you some questions about those in
17 a minute, if you can set them aside.

18 Dr. McCann, do you recall
19 yesterday that you were asked questions
20 about whether your calculations took into
21 consideration the fact that a certain
22 number of opioids distributed into Summit
23 County and Cuyahoga County was returned?

24 A. Yes.

1 Q. And the record will reflect
2 what you said, but I believe that you
3 testified that you would need to verify
4 the extent to which returns were factored
5 into your analysis, but that in any
6 event, returns constituted a de minimus
7 amount of the transactions you reviewed.

8 A. Yes.

9 Q. Is that a fair summary of
10 your testimony?

11 A. Yes.

12 Q. In a data set as large as
13 the one that you reviewed concerning the
14 shipments of opioids into Cuyahoga and
15 Summit County, do you consider de minimus
16 to be 1 percent?

17 A. I'd have to think through
18 the context a little bit.

19 But in some contexts, 1
20 percent would be de minimus and in other
21 contexts not. And it depends on -- let
22 me leave it at that.

23 Q. Okay. If returns
24 constituted about 1 percent of the total

1 amount of opioids being distributed to
2 Cuyahoga or Summit counties, would you
3 consider that to be 1 percent -- I'm
4 sorry, let me --

5 A. Yes. That was the easiest
6 question I've had so far.

7 Q. It would be. Let me
8 rephrase.

9 If returns constituted about
10 1 percent of the total amount of opioids
11 being distributed into Cuyahoga and
12 Summit counties, would you consider that
13 to be de minimus?

14 A. In the context of my
15 opinions, yes.

16 Q. Okay. I would like you to
17 now look at the four exhibits that I
18 marked. And I'm going to go through them
19 quickly and ask you yes-or-no questions.
20 And if you could answer yes or no, I
21 would appreciate it, and I'm sure my
22 colleagues would appreciate it who are
23 waiting to get up here and ask questions,
24 too.